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10/668,824	09/22/2003	Leslie L. Grandy	RN 73 (2635-006-03)	1976
72455      7590      01/29/2009 Graybeal Jackson Haley c/o RealNetworks Graybeal Jackson Haley LLP 155 - 108th Ave NE Suite 350 Bellevue, WA 98004-5973				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/668,824

**Applicant(s)**

GRANDY ET AL.

**Examiner**

OMAR PARRA

**Art Unit**

2421

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-8, 10-16, 18, 19, 21, 22, 24, 25, 27-33, 35, 37-46, 48, 50-52, 59, 63-72 and 74-90 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Continuation of Disposition of Claims: Claims pending in the application are 2-8,10-16,18,19,21,22,24,25,27-33,35,37-46,48,50-52,59,63-72 and 74-90.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/12/2008 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 2-8, 10-16, 18, 19, 21, 22, 24, 25, 27-33, 35, 37-46, 48, 50-52, 59, 63-72 and 74-90 have been considered but are moot in view of the new ground(s) of rejection.

Although a new ground of rejection is presented, the examiner believes it necessary to respond to some of the applicant's remarks regarding references of record that are still used on the present rejection.

#### **Claims 6, 14, 46 and respective dependent claims:**

The applicant argues that "*Murphy does not disclose determining whether the user qualifies to receive particular media content, determining whether the user qualifies to access a feature of the media player that enhances the playback of that media content by operating on the media content only within the device of the user and, in response to the determination that the user does qualify to access the feature, allowing*

*the user to access the feature of the media player”, page 17. This is because “These controls [controls available to the user for the payment of a fee, col. 12 line 65-col. 13 line 26] do not enhance playback of content by operating on the media content only within the device of the user; they require that the media content (and, indeed, the facilities by which the content is initially captured) be altered at the server side before being sent to the user’s device”, page 17. To this matter, the examiner respectfully disagrees.*

Murphy teaches giving the user, after paying a fee for the use, remote camera controls (pan, zoom, focus and selection of multiple camera positions) which make the presentation of the content greater in value to the user (the definition of 'enhance' on The American Heritage® Dictionary of the English Language, Fourth Edition Copyright © 2006 by Houghton Mifflin Company and dictionary.com) since he/she can manipulate the content from the user interface at his/her client terminal. To the user, the use of these controls adds more value to the presentation experience since he/she can get the display of the content in the way he/she desires it to be.

Additionally, the applicant seems to argue that the feature of applicant's invention correspond to being able to receive content in common formats (AIFF, MP3 and RealVideo) or advanced video controls. However, the argued limitations are not part of the language of the claim. Although the examiner has to read the claims in light of the specification, the examiner can not import limitations from the specification to claim text.

Therefore, the examiner respectfully believes that Murphy still covers the newly added limitations of the applicant's invention as claimed.

Claims 22, 25, 35 and their respective dependent claims

The applicant argues that "*Murphy does not disclose receiving access to a feature of a media player that enhances the playback of pre-existing (i.e., non-live) media content dependent on whether access to the feature is included in a media subscription level*", page 18. To this matter, the examiner respectfully disagrees.

Murphy teaches being able to provide to the user with stored events (at least on Fig. 6 or col. 12 line 65-col. 13 line 26). However, assuming that only live content was the type of content served to the users, it is still pre-existing content. It must exist at the instant prior the transmission to and reception at the client side. Pre-existing does not equate to pre-stored, pre-recorded or non-live, as the applicant seems to suggest.

Therefore, the examiner respectfully believes that the art of record still covers the newly added limitations as claimed.

Claims 86 and 88-90

A new grounds of rejection is presented for these claims.

Claims 2, 10, 18, 64 and 66 (Murphy in view of Sie)

The applicant argues that Sie reference is not considered prior art with respect to the present application. To this matter, the examiner respectfully disagrees.

Sie et al. (Pub. No. 2003/0126595) has a filing date on Nov. 19, 2002 with priority claimed toward provisional application 60/331,886, with the filing date being Nov. 20, 2001. Therefore, the Sie reference is prior to both, the filing date and the priority date (09/22/2003 and 09/22/2002, respectively) of applicant's patent application. Therefore,

Sie is considered a valid prior art with respect to this application and it's kept for examination purposes.

Claims 68-71, 73-74 and 81-85

It was the examiner's intention to reject 68-72 and 74-75 rather than claims 68-71 and 73-74. The corresponding rejection to cited claims is shown below with the correct numbering of the claims listed at the heading, and keeping the correct numbering shown on the actual rejection of the claims on the previous Office Action.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim(s) **2-8, 35-46, 48, 50-52, 59, 64, 65 and 68-90** is/are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing (Reference the May 15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled "Clarification of 'Processes' under 35 U.S.C. 101"). The instant claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims **3-8, 11-16, 19, 21, 22, 24, 25, 27- 30, 32, 33, 35, 37-41, 43- 46, 48, 50, 51, 59, 63, 65, 67,76, 77, 79 and 80** are rejected under 35 U.S.C. 102(e) as being anticipated by Murphy (Patent No. 6,564,380).

Regarding claims 6, 14, 22, 25, 35 and 46, Murphy teaches a computer system (with respective method and computer readable medium) for delivering/receiving media content, the computer system comprising:

a database module (**Local Video PoP servers 110 and Master server 100, Fig. 1**) configured to store a record comprising information about a user (**A user is assigned a passcode or code that identifies the user for after having logged in the server and having paid for requesting services . This pass-code is also sent to the PoP server for authenticating a requesting client –col. 10 lines 38-51; col. 11 lines 19-55; col. 16 lines 12-28. Given that this pass-code can be active for days or per sessions, it is inherent that it is stored at the PoP server for user**



**authentication at different times; and since a user logs on to Master Server, it is also inherent that it keeps information about the user for the logging in) and a media subscription level obtained by the user (Master Authorization List keeps a list of different levels of service subscriptions, col. 12 lines 64-col. 13 line 26 or Fig. 6);**

a communication module configured to receive from a user a request for pre-existing media content **(Master server receives the content request and sends the content through PoP servers 110 through Video Server 310, and Propagation server 320, col. 10 line 52-col. 11 line 4. Where content must exist prior the transmission to and reception at the client side); and**

a control module **(Master Authorization server, 100 and PoP server 110)** configured to:

determine whether or not the user qualifies to receive the requested pre-existing media content **(Content must exist prior the transmission to and reception at the client side)** according to the media subscription level, and, in response to the determination that the user does qualify to receive the media content, send the media content to a device of the user that includes a media player to play the media content **(PoP server for authenticating a requesting client –col. 10 lines 38-51; col. 11 lines 19-55; col. 16 lines 12-28, and then sends the requested content to a media player, col. 6 lines 39-51 or browser based display for live content, col. 14 line 47-col. 15 line 24), and**

determine whether or not the user qualifies to access a feature of the pre-existing media player that enhances the playback of the pre-existing **(Content must exist prior the transmission to and reception at the client side)** media content by operating on the media content only within the device of the user **(can manipulate the content from the user interface at his/her client terminal)**, and in response to the determination that the user does qualify to access the feature, allow the user to access the feature of the media player **(The different levels have different benefits for the users, being one of them the ability of using a cam, for enhancing a received video, through a set of control buttons displayed on the interface, col. 12 line 65- col. 13 line 26, . Given that this is a feature that is accessible only by those users that pay its price, it is inherent that the system necessarily has to determine if a requesting user is authorized to make use of the feature; otherwise, it would be a feature for all the users and a higher cost does not need to be added).**

Regarding claims 3, 11, 19, 27, 37 and 48, Murphy teaches a computer system (with respective method and computer readable medium), wherein the media selection is delivered to the client system via the Internet **(col. 7 lines 7-16)**.

Regarding claims 4, 13 and 67, Murphy teaches a computer system (with respective method and computer readable medium) wherein, in response to the determination that the user does qualify to receive the media content, initiating playback of the media content by the media player **(When only content is received, a regular**

**player is used, col. 6 lines 39-51; when receiving live content and user paid for camera control feature, a browser based display for live content and buttons to manipulate it are additionally present, col. 13 lines 20-26; col. 14 line 47-col. 15 line 24, line 58-col. 16 line 40, where a director, used as an example, paid for the camera control).**

Regarding claims 5, 12, 21 and 45, Murphy teaches a computer system (with respective method and computer readable medium) wherein allowing the user to access the feature of the media player includes modifying the media player **(The user can view the content at different speeds for different subscription levels, col. 13 lines 1-4 or col. 10 line 52- col. 11 line 4. If premium rate is paid, user can use camera control buttons are accessible at the viewer display, col. 13 lines 20-26; col. 14 line 47-col. 15 line 24, line 58-col. 16 line 40, where a director, used as an example, paid for the camera control).**

Regarding claims 7 and 15, Murphy teaches a computer system (with respective method and computer readable medium) wherein the requested media content is included in a group of media content available under the user's media subscription level **(col. 12 lines 24-63).**

Regarding claims 8, 16 and 24, Murphy teaches a computer system (with respective method and computer readable medium) further comprising:

receiving from the user a request to change the availability of media content under the user's media subscription level; determining whether or not the user's media subscription level covers the requested change in availability; and in response to the determination that the subscription level does cover the change in availability, changing the availability of the media content under the user's media subscription level **(Regardless of the subscription level, i.e. 'All Sports' or 'All Music', Fig. 6, a user can change the availability of a content by changing its 'Use Rights', i.e. access to a feed once to unlimited, by just paying a required amount; making the content available to the user permanently).**

Regarding claims 28, 32, 38 and 43, Murphy teaches a computer system (with respective method and computer readable medium) wherein the control module is configured to sign in to a sever of the provider to request the media content from the provider **(After being authenticated by the Master and PoP servers, server 310 connect to video data storage 350; Fig. 3; col. 10 line 52-col. 11 line 55);**and

disable access to the feature while not signed in to the provider's server **(When the price is based on the length of the feed or based on time of using the service –col. 13 lines 1-26, it is inherent that the server has to know when a user logs off to stop the service).**

Regarding claims 29, 40, 50 and 76, Murphy teaches a computer system (with respective method and computer readable medium) wherein the feature includes a

graphic equalizer (**Fig. 7 or col. 15 lines 1-24, where the controls modulate or customize the video to user's preference**).

Regarding claims 30, 41, 51 and 77, Murphy teaches a computer system (with respective method and computer readable medium) wherein feature includes a screen selection mode that permits a user to vary a screen size for a multimedia presentation (**col. 15 lines 12-15 or col.13 lines 1-4**).

Regarding claims 33, 39 and 44, Murphy teaches a computer system (with respective method and computer readable medium) wherein the control module is configured to receive the-access to the feature each time the media content is received (**col. 16 lines 12-40**).

Regarding claim 59, Murphy teaches a computer system (with respective method and computer readable medium) , further comprising receiving a periodic payment to keep the user qualified to receive media content covered by the media subscription level (**As seen in Fig. 6, the price paid for authorization for getting programming is paid in a monthly basis**).

Regarding claims 63 and 65, Murphy teaches a computer system (with respective method and computer readable medium) wherein the request from the user includes selecting a hyperlink that corresponds to the media content (**It tremendously**

**well known in the art of searching and requesting content on the internet that after content queries, the results are presented in a hyperlink manner for convenience for the user to select it with just one click).**

Regarding claims 79 and 80, Murphy teaches a computer system (with respective method and computer readable medium) wherein determining whether the user qualifies to access the feature includes determining whether the user's media subscription level has expired **(As seen in the Pricing Table in Fig. 6, subscription prices are set to be good for a determined amount of time –i.e. per month, per minute, etc. It is inherent that no service will be provided if the time for which a subscriber has paid for has expired; col. 13 lines 1-26).**

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims **2, 10, 18, 64 and 66** are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy (Patent No. 6,564,380) in view of Sie et al. (hereinafter 'Sie', Pub. No. 2003/0126595).

Regarding claims 2, 10, 18, 64 and 66, Murphy teaches all the limitations of the claims they depend on. On the other hand, Murphy does not teach that in response to the determination that the user does not qualify to receive the media content, offering a media subscription level to the user that includes the requested media content.

However, in an analogous art, Sie teaches a system that distributes content to user in a subscription form through a communication network in which, if a requesting user wants a piece content and it's not covered by his/her subscription, an offering of a subscription level is made to him/her that would allow him/her to obtain and use the requested content ([0076]).

Therefore, it would have been obvious to an ordinary skilled in the art at the time of the invention to have modified Murphy's invention with Sie's feature of offering a subscription level for the benefit of keeping the user as a costumer, in the case he accepts the offer, bringing at the end more revenue to the content-distribution side of the system.

8. Claim **31, 42, 52 and 78** are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy (Patent No. 6,564,380) in view of Holtz et al. (hereinafter 'Holtz', Patent No. 6,760,916).

Regarding claims 31, 42, 52 and 78, Murphy teaches all the limitations of the claims they depend on. On the other hand, Murphy does not explicitly teach that the selected feature to be an absence or reduction in advertisements.

However, in an analogous art, Holtz teaches a system that provides content on demand from Internet, in which a fee is paid as a premium fee for removing the advertisement off the content (col.44 line 55-col. 45line 12).

Therefore, it would have been obvious to an ordinary skilled in the art at the time of the invention to have modified Murphy's invention with the feature of providing commercial-free content for the benefit of the content that makes the user viewing experience irritating and at the same time recovering the money that it would have been collected if the commercial was shown, otherwise.

9. Claims **68-72, 74-75 a 81- 85** are rejected under 35 U.S.C. 103(a) as being unpatentable over LaRocca et al. (hereinafter 'LaRocca', Patent No. 6,314,572) in view of Baker et al. (hereinafter 'Baker', Pub. No. 2001/0049824).

Regarding claims 68 and 82, LaRocca teaches a method of allocating subscription fees for media content, the method comprising receiving from a user a subscription fee to allow the user to access media content from a plurality of media content providers **(A user pays a first fee for base service, that would make him/her being able to access content for that base service after authentication, col. 3 lines 30-46)**. On the other hand, LaRocca does not explicitly teach providing a media content provider included in the plurality of content providers a portion of the subscription; wherein the portion is determined by the number of times the user accesses the media content from the media content provider, to a media content provider in response or



determined by the number of users who have included the media content provider in their subscription plan.

However, in an analogous art, Baker teaches a system a business model for distribution of content where content providers or program developers get paid proportionally to the amount of users download or use of their content ([0015]). Paying the content provider accordingly to how many users have used its content is the same as paying the content provider for how many users have included the media content provider in their subscription plan, given that by using provider's content, the user is including the content provider in what he/she paid for.

Therefore, it would have been obvious to an ordinary skilled in the art at the time of the invention to have modified LaRocca's invention with Baker's feature of paying the content creator or developer proportionally to the number of times users downloads them for the benefit of not paying a fixed amount to content providers even if their content is not being used by costumers.

Regarding claim 69, the combined teachings of LaRocca and Baker teach a method wherein the portion of the subscription fee from the second user is higher than the portion of the fee from the other user **(Given that a user that is not currently a subscriber can get access to the service by paying for the basic plus the extra service for a higher price than someone that is already a subscriber for the basic,** LaRocca: col. 3 lines 30-46, and since the system can pay revenues to the content

**providers proportionally, the portion payment for the second costume would be higher than the other one, Baker: [0015]; [0033]).**

Regarding claims 70, 75 and 84, the combined teachings of LaRocca and Baker teach a method wherein access to the media content is provided via the Internet **(Baker: Abstract, [0010], [0022]).**

Regarding claim 71, the combined teachings of LaRocca and Baker teach a method wherein the media content is transmitted\_the computer network transmits media content that is in a packet format **(LaRocca: col. 6 lines 11-25).**

Regarding claims 74 and 83, the combined teachings of LaRocca and Baker teach a method wherein the media content comprises audio and video content **(LaRocca: col. 3 lines 30-61).**

Regarding claims 81 and 85, the combined teachings of LaRocca and Baker teach a method further comprising:

receiving from a second user a subscription fee to allow the second user to access media content from the media content provider **(Anyone, another or second user, can subscribe to the service by paying a subscription fee; LaRocca: col. 3 lines 30-46); and**

providing the media content provider a portion of the subscription fee from the second user **(After receiving the second user's fee –LaRocca, col. 3 lines 30-46, the system can pay the content creator proportionally- Baker: [0015]).**

10. Claim 72 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaRocca et al. (hereinafter 'LaRocca', Patent No. 6,314,572) in view of Baker et al. (hereinafter 'Baker', Pub. No. 2001/0049824) as applied to claim 68 above, and further in view of Peterka et al. (hereinafter, 'Peterka', Pub. No. 2002/0170053).

Regarding claim 72, the combined teachings of LaRocca and Baker teach all the limitation of the claim it depends on. On the other hand, LaRocca and Baker do not explicitly teach a method wherein the first fee and the second fee are provided to the media content provider electronically.

However, in an analogous art, Peterka teaches that credit card number is provided as part of the user information and after checking the user is able to get the service, they provide it and charge it ([0072]). In other words, Peterka teaches that payments can be performed electronically.

Therefore, it would have been obvious to an ordinary skilled in the art at the time of the invention to have modified LaRocca and Baker's invention with Peterka's teaching of charging a credit card electronically for the benefit of receiving payment of the service immediately and having the user not to use longer processes of payment (writing a check, buying a money order and mail them out).

11. Claims **86-90** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter et al (hereinafter 'Ginter', Pub. No. 2008/0148056) in view of Murphy (Patent No. 6,564,380).

Regarding claims 86 and 87, Ginter teaches a system (with respective method) for allocating subscription fees for media content, the method comprising:

receiving from a user a subscription fee to allow the user to access media content from a plurality of media content providers (**120, Fig. 2; [0068]; [0081]; [0126]; [0197]; [0198]; [0204]; [0394]; [2048]; [2192];**); and

providing a media content provider included in the plurality of content providers a portion of the subscription fee (**[0197]; [0198]; [0375]-[0380]; [0390]-[0396]**).

On the other hand, although Ginter teaches that wherein the portion is determined by any different reasons (**Fig. 4; [0197]; [0198]; [0377]-[0380]; [0413]-[0427]**), Ginter does not explicitly teach that the reason for the payment is the type of media content provided by the media content provider.

However, in an analogous art, Murphy teaches a system that charges users according to categories and duration of the programs (Pricing Table, Fig. 6; col. 13 lines 1-26). Being a movie or a television program longer than a weather segment, a second user would be charged higher for a television program than another user for a weather report.

Therefore, it would have been obvious to an ordinary skilled in the art at the time of the invention to have modified Ginter's invention with Murphy's feature of charging more a television program client than a weather report user for the benefit of having another way of pricing the service content based on the time the network is used.

Regarding claim 88, Ginter and Murphy teach wherein the media content comprises audio and video content (**Ginter: [0149]; [0161]-[0169]. Murphy: col. 6 lines 25-51**).

Regarding claim 89, Ginter and Murphy teach wherein the media content is streamed over the internet (**Ginter: [0148]; [2139]. Murphy: col. 7 lines 7-16**).

Regarding claim 90, Ginter and Murphy further comprising:  
receiving from a second user a subscription fee to allow the second user to access media content from the media content provider; and providing the media content provider a portion of the subscription fee from the second user (**Given that more than one user can request after paying a fee, the same process of dividing the subscription fee for different content providers will be applied to at least a second user, [0197]; [0198]; [0375]-[0380]; [0390]-[0396]**).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR PARRA whose telephone number is (571)270-1449. The examiner can normally be reached on 9-6 PM (M-F, every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/  
Supervisory Patent Examiner, Art Unit 2421

OP